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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,237	04/11/2005	Stephane Leonard	13332-00001-US	1275

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EXAMINER	
CASTELLANO, STEPHEN J	
ART UNIT	PAPER NUMBER
3781	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/530,237	LEONARD ET AL.	
	Examiner	Art Unit	
	/Stephen J. Castellano/	3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 October 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8,10,12,14 and 15* is/are pending in the application.

4a) Of the above claim(s) *10* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8, 12, 14 and 15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim 10 stands withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 2, 2008.

Claims 9, 11 and 13 have been canceled. Claims 1-8 and 10, 12 and 14-15 are pending. Claims 1-8 and 12 and 14-15 will be treated according to their merits.

The amendment filed October 12, 2009 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The specification at page 11 has been amended to state that the flange and the thread consist of a one piece unit.

Applicant is required to cancel the new matter in the reply to this Office Action.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-8, 12 and 14-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no support for stating that said flange and said thread consist of a one piece unit. Both the flange and the thread could have multiple pieces as originally disclosed. **This is a new matter rejection.**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 5, 6, 8, 12 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleppner in view of Stangier and Craig.

Re claim 1, Kleppner discloses a fuel tank (hollow body) for motor vehicles with a plastic flange with a pipette (accessory) mounted for a fuel return line. Kleppner discloses the invention except for the thread on the periphery of the flange. Stangier teaches a flange for a hollow body (fuel tank) made of two parts: (1) holding cover 316 and (2) male screw thread ring 358. Craig teaches a flange and external thread of one-piece construction (see claim 7, col. 4, line 12) (see Fig. 1 and 5). It would have been obvious to add a thread to Kleppner to provide a tight fitting closure by making the plastic flange of Kleppner a one piece assembly with cover and threaded ring to seal the opening in the fuel tank (hollow body).

Re claim 2, ring (union nut 356) of Stangier is capable for holding the flange in place with the hollow body. It would have been obvious to add this ring to seal the opening in a liquid tight manner.

Re claims 5 and 15, the combination of a hollow body (fuel tank) and flange is disclosed by Kleppner.

Re claims 12 and 14, Stangier also teaches the compressible seal 334 and the ring (union nut 356) is mounted to the hollow body wall indirectly through its connection to flange through

the threaded engagement with threaded ring 358 of the flange. It would have been obvious to add the seal to make the joint fluid tight to prevent the escape of liquid fuel or vapors.

Claims 2, 5-6, 8, 12 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stangier in view of Kleppner.

Stangier discloses the invention except for the plastic material of the flange and the external thread. Kleppner and Craig teach flanges of plastic material. It would have been obvious to modify the material of the flange to be plastic in order to manufacture the flange more easily by molding, to provide a lighter weight, less expensive material and to provide a part with the other advantages of plastic like easily cleanable, more durable, more resilient, and more crack resistant, etc. Craig and Kleppner additionally teach the external threads and Craig teaches the flange and thread of one piece construction. It would have been obvious to add the external threads by making the flange and threads of a one piece construction to provide a light tight seal, a seal secured with the force of opposed threads and to eliminate the need of extra parts, further inventory and lost parts by providing a one piece design.

Claims 3, 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleppner in view of Stangier and Craig as applied to claims 1 and 5 above, and further in view of Straetz.

Re claims 3 and 4, the combination discloses the invention except for the plastic material of low permeability to gases and liquids and one of the specific plastics mentioned in claim 4. Straetz teaches a low permeability plastic for a barrier made of polyamide. It would have been obvious to modify the composition of the plastic to be polyamide in order to provide a fuel barrier to effectively eliminate permeability of gases and liquid fuel.

Re claim 7, the combination discloses the invention except for the two shells of the fuel tank, the multilayered construction of the shells and the welding of the shells. Straetz teaches the two shells of the fuel tank, the multilayered construction of the shells and the welding of the shells. It would have been obvious to modify the construction of the tank to be two multilayered shells welded to each other to provide easier molding of identical or similar shaped halves because the profile of the half shell is approximately ½ the height of the tank and the interior of the shell is accessible and capable of being modified before final assembly over a closed or blow molded design and the welding can be preformed to insure a fuel tight, leak proof seam.

Applicant's arguments filed October 12, 2009 have been fully considered but they are not persuasive.

It is noted that applicant's claim amendments have changed the scope of the claims by now requiring the flange and threads to consist of a one piece unit. This language is still deemed to contain new subject matter. Applicant states that the language has been taken directly from the specification. However, optical code recognition (OCR) examination of the original specification doesn't show that a "one piece" unit was originally stated anywhere in the disclosure. Fig. 1-3 do not definitively disclose a one piece construction. Applicant points to page 11, lines 23-26 of the specification for specific support. What is stated is: The monolayer flange was produced by injection molding. The monolayer flange bearing or bears a thread obtained directly by injection molding. Applicant assumes that the same injection molding operation that forms the flange also forms the thread. However, this is not a correct assumption. Even if such an assumption is made, nothing precludes the assembled flange and thread from being separated then reattached such that they are not one piece.

The art rejections are made if it should be deemed that the new matter rejection is inadequate. These rejections have been changed to reflect the change in scope. Craig teaches a bung structure including a one-piece sealing unit as stated in claim 7 (see col. 4, line 12) (see Fig. 1 and 5) which includes a flange and an external thread of one piece construction.

Applicant's remarks pertaining to the old 103 rejections are moot because of the new 103 rejections.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Stephen J. Castellano/ whose telephone number is 571-272-4535. The examiner can normally be reached on increased flexibility plan (IFP).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony D. Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen J. Castellano/
Primary Examiner
Art Unit 3781

sjc